

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

FLETCHER-HARLEE CORP., : HONORABLE JEROME B. SIMANDLE
Plaintiff, : CIVIL NO. 05-2589 (JBS)
v. : **O R D E R**
POTE CONCRETE :
CONTRACTORS, INC. :
Defendant. :
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This matter having come before the Court upon the motion of Defendant Pote Concrete Contractors, Inc. to dismiss for failure to state a claim; and the Court having considered the parties' submissions; and for the reasons stated in the Opinion of today's date; and for good cause shown;

IT IS this 27th day of **March, 2006** hereby
ORDERED that Defendant's Fed. R. Civ. P 12(b) (6) motion for failure to state a claim be, and hereby is, **GRANTED**.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
United States District Judge